

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2467

Introduced by Assembly Member Monning

February 19, 2010

An act to amend Section ~~60 of the Education~~ 2889.9 of, and to add Section 2890.5 to, the Public Utilities Code, relating to ~~education~~ telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2467, as amended, Monning. ~~Education. Telecommunications:~~ customer service.

Existing law requires the Public Utilities Commission to implement programs to provide services to the deaf and hearing impaired. Existing law also directs the commission to require, or directly requires of telephone corporations, specific consumer protections relating to telecommunications services, including provisions that regulate various billing and collection practices, access to "911" service, handling of customer complaints, and disclosures of certain information to the customer. Existing law authorizes the commission to adopt rules, regulations and issue decisions and orders, as necessary, to safeguard the rights of consumers and to enforce those provisions.

This bill would require, rather than authorize, the commission to adopt rules and regulations and issue decisions and orders, as necessary, to safeguard the rights of consumers and to enforce those provisions.

~~Existing law authorizes that Superintendent of Public Instruction and any other officer charged with the performance of duties under specified~~

provisions of law to administer and certify oaths relating to officers or official matters concerning public schools.

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2889.9 of the Public Utilities Code is
2 amended to read:

3 2889.9. (a) No person or corporation shall misrepresent its
4 association or affiliation with a telephone carrier when soliciting,
5 inducing, or otherwise implementing the subscriber's agreement
6 to purchase the products or services of the person or corporation,
7 and have the charge for the product or service appear on the
8 subscriber's telephone bill.

9 (b) ~~The provisions of~~ Chapter 11 (commencing with Section
10 2100) of Part 1 of Division 1 ~~apply~~ *applies* to a public utility
11 subject to this section and Section 2890. If the commission finds
12 that a person or corporation or its billing agent that is a nonpublic
13 utility, and is subject to ~~the provisions of~~ this section and Section
14 2890, has violated any requirement of this article, or knowingly
15 provided false information to the commission on matters subject
16 to this section and Section 2890, the commission may enforce
17 Sections 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110,
18 2111, and 2114 against those persons, corporations, and billing
19 agents as if the persons, corporations, or billing agents were a
20 public utility. Neither this authority nor any other provision of this
21 article grants the commission jurisdiction to regulate persons or
22 corporations or their billing agents who are not otherwise subject
23 to commission regulation, other than as specifically set forth in
24 this section and Section 2890.

25 (c) If the commission finds that a person, corporation, or billing
26 agent is operating in violation of any provision of this section and
27 Section 2890, the commission may order the billing telephone
28 company to terminate the billing and collection services for that
29 person, corporation, or billing agent. Nothing in this section and
30 Section 2890 precludes a billing telephone company from taking
31 action on its own to terminate billing and collection services.

(d) The commission shall establish rules that require each billing telephone company, billing agent, and company that provides products or services that are charged on subscribers' telephone bills, to provide the commission with reports of complaints made by subscribers regarding the billing for products or services that are charged on their telephone bills as a result of the billing and collection services that the billing telephone company provides to third parties, including affiliates of the billing telephone company.

(e) If the commission receives more than 100 complaints regarding unauthorized telephone charges in any 90-day period as to a person, corporation, or billing agent's activities that are subject to Section 2890 and this section, the commission's consumer services division shall commence a formal or informal investigation. The commission, to further the purposes of Section 2890 and this section, may change the number of complaints in any 90-day period that initiates the commencement of an investigation. This subdivision does not prohibit the commission's consumer services division from opening any investigation it deems necessary to enforce Section 2890 or this section.

(f) Failure by a person, corporation, or billing agent to respond to commission staff requests for information is grounds for the commission to order the billing telephone company or companies that are providing billing and collection services to cease billing and collection services for the person, corporation, or billing agent.

(g) Persons or corporations originating charges for products or services, their billing agents, and telephone corporations billing for these products or services shall cooperate with the commission in the commission's efforts to enforce the provisions of this article.

(h) This section and Section 2890 do not obligate a billing telephone company to provide billing and collection services to a billing agent.

~~(i) The commission may adopt rules, regulations and issue decisions and orders, as necessary, to safeguard the rights of consumers and to enforce the provisions of this article.~~

~~(j)~~

(i) For the purposes of this section, "billing agent" means the clearinghouse or billing aggregator.

SEC. 2. Section 2890.5 is added to the Public Utilities Code, to read:

1 2890.5. *The commission shall adopt rules and regulations and*
2 *issue decisions and orders, as necessary, to safeguard the rights*
3 *of consumers and to enforce this article.*

4 SECTION 1. Section 60 of the Education Code is amended to
5 read:

6 ~~60. The Superintendent of Public Instruction, Deputy and~~
7 ~~Assistant Superintendents of Public Instruction, secretary of the~~
8 ~~Superintendent of Public Instruction, members of the Board of~~
9 ~~Governors of the California Community Colleges, the Chancellor~~
10 ~~of the California Community Colleges, county superintendents of~~
11 ~~schools, school trustees, members of boards of education,~~
12 ~~secretaries and assistant secretaries of boards of education, city~~
13 ~~superintendents of schools, district superintendents of schools,~~
14 ~~assistant superintendents of schools, deputy superintendents of~~
15 ~~schools, principals of schools, and any other officer charged with~~
16 ~~the performance of duties under the provisions of this code may~~
17 ~~administer and certify oaths relating to officers or official matters~~
18 ~~concerning public schools.~~